

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

RECEIVED
OCT 31 2022 *ec*
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Joel D Miller

Plaintiff(s),
v. Davis Staffing

Defendant(s).

1:22-cv-05975
Judge Franklin U. Valderrama
Magistrate Judge Maria Valdez
RANDOM

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is Joel D Miller of the
county of COOK in the state of IL.

3. The defendant is Davis Staffing, whose
street address is 5450 95th st, Oaklawn IL,
(city) Chicago (county) COOK (state) IL (ZIP) 60453
(Defendant's telephone number) (708) - 857-7511

4. The plaintiff sought employment or was employed by the defendant at (street address)
5450 95th st Oaklawn (city) Chicago
(county) COOK (state) IL (ZIP code) 60453

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5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
- (b) ☐ was hired and is still employed by the defendant.
- (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month)_____, (day)_____, (year)_____.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

- (a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☒ has ☐ has not filed a charge or charges against the defendant

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission, on or about (month) 3-5-22 (day) Thurs (year) 2022.
- (ii) ☐ the Illinois Department of Human Rights, on or about (month)_____ (day)_____ (year)_____.

- (b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☒ Yes, ☐ No, **but plaintiff will file a copy of the charge within 14 days.**

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

- (a) the plaintiff previously filed a Complaint of Employment Discrimination with the

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defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month)_____ (day)_____ (year) _____

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month)_____
(day) _____ (year) _____.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ Yes ☐ No, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ Yes ☐ NO, but a copy will be filed within 14 days.

8. *(Complete paragraph 8 only if defendant is not a federal governmental agency.)*

(a) ☐ the United States Equal Employment Opportunity Commission has not
issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued
a *Notice of Right to Sue*, which was received by the plaintiff on
(month)_____ (day)_____ (year)_____ a copy of which
Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [***check only those that apply***]:

(a) ☒ Age (Age Discrimination Employment Act).

(b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

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- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
 - (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
 - (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
 - (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
 - (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant [*check only those that apply*]
- (a) ☒ failed to hire the plaintiff.
 - (b) ☒ terminated the plaintiff's employment.
 - (c) ☐ failed to promote the plaintiff.
 - (d) ☐ failed to reasonably accommodate the plaintiff's religion.
 - (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
 - (f) ☐ failed to stop harassment;
 - (g) ☐ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
 - (h) ☐ other (specify): _____

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13. The facts supporting the plaintiff's claim of discrimination are as follows:

On or about March 2-2022 the defendant stopped my assignment. I was told I did not meet the demand. I asked what is the demand she said she don't know. My position started at \$18 dollars an hour. I was told to work 720 hr than I would be hired into griffh Foods. Then I would have been at \$21 dollars an hour working my way to \$25 dollars an hour. In eight months to year.

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☐ Yes ☒ No

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check only those that apply]

- (a) ☒ Direct the defendant to hire the plaintiff.
- (b) ☒ Direct the defendant to re-employ the plaintiff.
- (c) ☒ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ Direct the defendant to (specify): _____

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- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☒ Grant such other relief as the Court may find appropriate.

Joel Miller
(Plaintiff's signature)

Joel B Miller
(Plaintiff's name)

2845 E 89th
(Plaintiff's street address)

(City) Chicago (State) IL (ZIP) 60617

(Plaintiff's telephone number) (312) - 966-2512

Date: 10-31-22

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]



PO BOX 166008
Irving, TX 75016
Phone: 800-321-9637

Sent Via First-Class Mail®

September 20, 2022

JOEL MILLER
2845 EAST 89TH
CHICAGO, IL 60617

EXPLANATION OF CALCULATION OF SURPLUS OR DEFICIENCY

ACCOUNT NUMBER: 2727940

Description of Collateral:

Year: 2012	Model: TERRAIN	Make: GMC
VIN: 2GKALUEK1C6196849	Contract Date: 09/07/2020	

Dear JOEL MILLER:

This is formal notice that the above-referenced collateral was sold on 09/14/2022. The proceeds of the sale have been applied as detailed below as of 09/17/2022. If the application of the proceeds of the sale resulted in a surplus, we will return that amount to you unless we have to pay someone else with an interest in the collateral. If the application of the proceeds of the sale resulted in a deficiency, you remain liable to us for this deficiency and must pay this amount in full upon receipt of this notice.

Contract Balance as of 09/14/2022:		\$11,937.48
Plus Late Fees:	+	\$83.51
Subtotal:	=	\$12,020.99
Proceeds of Sale:	-	\$2,000.00
Outstanding Balance Following Sale:	=	\$10,020.99
Plus Other Charges		
Repossession Expense:	+	\$440.00
Storage Expense:	+	\$0.00
Sale Expense:	+	\$160.00
Legal Fees:	+	\$0.00
Other Expense:	+	\$0.00
Subtotal:	=	\$600.00
Less credit for unearned finance charge as of 09/17/2022:	-	\$0.00
Less credit for cancelled insurance premiums as of 09/17/2022:	-	\$0.00
Less other credit:	-	\$0.00
Deficiency Balance as of 09/17/2022:	=	\$10,620.99

(The checked box applies to you.)

- ☒ Deficiency balance for which you are liable and for which demand is hereby made: \$10,620.99
☐ No deficiency balance is owed because the debt was discharged in bankruptcy.



SEE IMPORTANT CONSUMER NOTICES AT END OF LETTER

**Statement of Account****10/18/2022**

PO Box 166008 // Irving, TX 75016

JOEL MILLER
2845 EAST 89TH
CHICAGO, IL, 60617

Account Number: 2727940
Beginning Principal Balance: \$11,385.90
Outstanding Principal: \$7,718.81
Outstanding Interest: \$1,320.28
Outstanding Fees: \$958.51
Total Outstanding Balance: \$9,997.60

Process Date	Description	Total Amount Paid	Interest Amount	Principal Amount	Late Fee Amount	Misc. Amount	Other Amount	Over Payment Amount	Principal Balance Amount
10/16/20	Payment Applied	\$357.67	\$330.88	\$26.79	-	-	-	-	\$11,359.11
11/20/20	Payment Applied	\$357.67	\$312.73	\$44.94	-	-	-	-	\$11,314.17
12/18/20	Payment Applied	\$357.67	\$242.27	\$115.40	-	-	-	-	\$11,198.77
01/21/21	Payment Applied	\$357.67	\$291.65	\$66.02	-	-	-	-	\$11,132.75
02/23/21	Payment Applied	\$357.67	\$281.73	\$75.94	-	-	-	-	\$11,056.81
03/24/21	Payment Applied	\$355.01	\$228.93	\$126.08	-	-	-	-	\$10,930.73
04/25/21	Payment Applied	\$357.67	\$268.23	\$89.44	-	-	-	-	\$10,841.29
05/27/21	Payment Applied	\$357.67	\$266.04	\$91.63	-	-	-	-	\$10,749.66
06/29/21	Late Fee Assessed		-	-	(\$10.00)	-	-	-	\$10,749.66
07/01/21	Payment Applied	\$335.00	\$288.51	\$46.49	-	-	-	-	\$10,703.17
07/29/21	Late Fee Assessed		-	-	(\$10.00)	-	-	-	\$10,703.17
08/04/21	Payment Applied	\$358.00	\$287.28	\$70.72	-	-	-	-	\$10,632.45
09/22/21	Payment Applied	\$400.00	\$391.36	\$8.64	-	-	-	-	\$10,623.81
10/29/21	Late Fee Assessed		-	-	(\$17.01)	-	-	-	\$10,623.81
11/17/21	Payment Applied	\$150.00	\$150.00	-	-	-	-	-	\$10,623.81
11/29/21	Late Fee Assessed		-	-	(\$10.00)	-	-	-	\$10,623.81
12/01/21	Payment Applied	\$150.00	\$150.00	-	-	-	-	-	\$10,623.81
12/29/21	Late Fee Assessed		-	-	(\$10.00)	-	-	-	\$10,623.81
12/30/21	Payment Applied	\$260.00	\$260.00	-	-	-	-	-	\$10,623.81
01/09/22	Payment Applied	\$260.00	\$260.00	-	-	-	-	-	\$10,623.81
01/29/22	Late Fee Assessed		-	-	(\$11.78)	-	-	-	\$10,623.81
02/09/22	Payment Applied	\$140.00	\$140.00	-	-	-	-	-	\$10,623.81
02/22/22	Late Fee Waived		-	-	\$21.78	-	-	-	\$10,623.81
03/01/22	Late Fee Assessed		-	-	(\$4.78)	-	-	-	\$10,623.81
03/09/22	Late Fee Waived		-	-	\$8.48	-	-	-	\$10,623.81
03/29/22	Late Fee Assessed		-	-	(\$4.78)	-	-	-	\$10,623.81
04/04/22	Payment Applied	\$357.67	\$357.67	-	-	-	-	-	\$10,623.81
04/29/22	Late Fee Assessed		-	-	(\$4.78)	-	-	-	\$10,623.81
05/18/22	Payment Applied	\$300.00	\$300.00	-	-	-	-	-	\$10,623.81
05/29/22	Late Fee Assessed		-	-	(\$7.66)	-	-	-	\$10,623.81
06/29/22	Late Fee Assessed		-	-	(\$7.66)	-	-	-	\$10,623.81
07/29/22	Late Fee Assessed		-	-	(\$7.66)	-	-	-	\$10,623.81

08/09/22	Fee Assessed		-	-	-	(\$440.00)	-	\$10,623.81
08/29/22	Late Fee Assessed		-	-	(\$7.66)	-	-	\$10,623.81
09/16/22	Fee Assessed		-	-	-	(\$160.00)	-	\$8,623.81
09/16/22	Payment Applied	\$2,000.00	-	\$2,000.00	-	-	-	\$8,623.81
10/05/22	Product Cancellation Credit Applied	\$487.00	-	\$487.00	-	-	-	\$7,718.81
10/05/22	Product Cancellation Credit Applied	\$418.00	-	\$418.00	-	-	-	\$7,718.81
10/07/22	Fee Assessed		-	-	-	(\$275.00)	-	\$7,718.81

NOTICE: If you are entitled to the protections of the United States Bankruptcy Code (11 U.S.C. §§ 362; 524) regarding the subject matter of this letter, the following applies to you: **THIS COMMUNICATION IS NOT AN ATTEMPT TO COLLECT, ASSESS, OR RECOVER A CLAIM IN VIOLATION OF THE BANKRUPTCY CODE AND IS FOR INFORMATIONAL PURPOSES ONLY.**



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Chicago District Office
230 S Dearborn Street
Chicago, IL 60604
(800) 669-4000
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

To: Mr. Joel D. Miller, Sr.
2845 East 89th Street
Chicago, IL 60617

Charge No: 440-2022-06232

EEOC Representative and email: Katarzyna Hammond
Investigator
katarzyna.hammond@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 440-2022-06232.

On behalf of the Commission,

Digitally Signed By: Julianne Bowman
9/30/2022

Julianne Bowman
District Director

Cc: Davis Staffing

Please retain this notice for your records.

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court **under Federal law**. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)*

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a FOIA Request or 2) a Section 83 request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of this notice, please submit your request for the charge file promptly to allow sufficient time for EEOC to respond and for your review. Submit a signed written request stating it is a "FOIA Request" or a "Section 83 Request" for Charge Number 440-2022-06232 to the District Director at Julianne Bowman, 230 S Dearborn Street

Chicago, IL 60604.

You can also make a FOIA request online at <https://eeoc.arkcase.com/foia/portal/login>.